

The Gazette of India

EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

No. 35] NEW DELHI, TUESDAY, AUGUST 7, 1956

LOK SABHA

The following Bill was introduced in Lok Sabha on the 7th August, 1956:—

BILL* No. 46 OF 1956

A Bill to provide for the declaration of certain highways to be national highways and for matters connected therewith.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the National Highways Act, 1956.

(2) It extends to the whole of India.

5 (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

2. (1) Each of the highways specified in the Schedule except such parts thereof as are situated within any municipal area is hereby declared to be a national highway.

Declaration
of certain
highways to
be national
highways.

10 (2) The Central Government may, by notification in the Official Gazette, declare any other highway to be a national highway and on the publication of such notification such highway shall be deemed to be specified in the Schedule.

15 (3) The Central Government may, by like notification, omit any highway from the Schedule and on the publication of such notification, the highway so omitted shall cease to be a national highway.

3. In this Act, "municipal area" means any municipal area with a population of twenty thousand or more the control or management

Definition.

*The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to Lok Sabha the consideration of the Bill.

of which is entrusted to a municipal committee, a town area committee, a town committee or any other authority.

National
highways
to vest in
the Union.

4. All national highways shall vest in the Union, and for the purposes of this Act "highways" include—

- (i) all lands appurtenant thereto whether demarcated or not; 5
- (ii) all bridges, culverts, tunnels, causeways, carriageways and other structures constructed on or across such highways; and
- (iii) all fences, trees, posts and boundary, furlong and mile stones of such highways or any land appurtenant to such 10 highways.

Responsi-
bility for
develop-
ment and
mainten-
ance of na-
tional high-
ways.

5. It shall be the responsibility of the Central Government to develop and maintain in proper repair all national highways; but the Central Government may, by notification in the Official Gazette, direct that any function in relation to the development or maintenance of any national highway shall, subject to such conditions, 15 if any, as may be specified in the notification, also be exercisable by the Government of the State within which the national highway is situated or by any officer or authority subordinate to the Central Government or to the State Government. 20

Power to
issue direc-
tions.

6. The Central Government may give directions to the Government of any State as to the carrying out in the State of any of the provisions of this Act or of any rule, notification or order made thereunder.

Fees for
services or
benefits
rendered on
national
highways.

7. (1) The Central Government may, by notification in the Official 25 Gazette, levy fees at such rates as may be laid down by rules made in this behalf for services or benefits rendered in relation to the use of ferries, temporary bridges and tunnels on national highways.

(2) Such fees when so levied shall be collected in accordance with the rules made under this Act. 30

(3) Any fee leviable immediately before the commencement of this Act or services or benefits rendered in relation to the use of ferries, temporary bridges and tunnels on any highway specified in the Schedule shall continue to be leviable under this Act unless and until it is altered in exercise of the power conferred by sub-section 35 (1).

Agreements
with State
Govern-
ments or
municipali-
ties.

8. Notwithstanding anything contained in this Act, the Central Government may enter into an agreement with the Government of any State or with any authority entrusted with the control or management of any municipal area in relation to the development 40

or maintenance of the whole or any part of a national highway situated within the State or, as the case may be, in relation to the development or maintenance of any such part of a highway situated within a municipal area as is referred to in sub-section (1) of section 2 and any such agreement may provide for the sharing of expenditure by the respective parties thereto.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which, and the conditions subject to which, any function in relation to the development or maintenance of a national highway or any part thereof may be exercised by the State Government or any officer or authority subordinate to the Central Government or the State Government;

(b) the rates at which fees for services rendered in relation to the use of ferries, temporary bridges and tunnels on any national highway may be levied and the manner in which such fees shall be collected;

(c) the periodical inspection of national highways and the submission of inspection reports to the Central Government;

(d) the reports on works carried out on national highways;

(e) any other matter for which provision should be made under this Act.

10. All notifications or agreements issued or entered into under this Act shall be laid before both Houses of Parliament as soon as may be after they are issued or entered into and all rules made under section 9 shall be laid for not less than thirty days before both Houses of Parliament as soon as may be after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following. Laying of notifications, rules, etc., before Parliament.

THE SCHEDULE

[See Section 2]

NATIONAL HIGHWAYS

Serial No.	Description of national highways
<hr/>	
1	The highway connecting Delhi, Ambala, Jullundur, and Amritsar and proceeding to the border between India and Pakistan.
2	The highway connecting Jullundur, Madhopur, Jammu, Banihal, Srinagar, Baramula and Uri.
3	The highway connecting Delhi, Mathura, Agra, Kanpur, Allahabad Banaras, Mohania, Barhi and Calcutta.
4	The highway connecting Agra, Gwalior, Shivpuri, Indore, Dhulia, Nasik, Thana and Bombay.
5	The highway starting from its junction near Thana with the highway specified in serial No. 4 and connecting Poona, Belgaum, Hubli, Bangalore, Ranipet and Madras.
6	The highway starting from its junction near Baharagora with the highway specified in serial No. 7 and connecting Cuttack, Bhubaneswar, Visakhapatnam, Vijayavada and Madras.
7	The highway starting from its junction near Dhulia with the highway specified in serial No. 4 and connecting Nagpur, Raipur, Sambalpur, Baharagora and Calcutta.
8	The highway starting from its junction near Banaras with the highway specified in serial No. 3 and connecting Mangawan, Rewa, Jabalpur, Lakhnadon, Nagpur, Hyderabad, Kurnool, Bangalore, Krishnagiri, Salem, Dindigul, Madurai and Cape Comorin.
9	The highway connecting Delhi, Jaipur, Ajmer, Udaipur, Ahmedabad, Baroda and Bombay.
10	The highway connecting Ahmedabad, Limbdi, Morvi and Kandla.
11	The highway starting from its junction near Bamanbhore with the highway specified in serial No. 10 and connecting Rajkot and Porbandar.
12	The highway connecting Poona, Sholapur, Hyderabad and Vijayavada.
13	The highway connecting Delhi and Fazilka and proceeding to the border between India and Pakistan.

Serial No.	Description of national highways
14	The highway connecting Ambala, Kalka, Simla, Narkanda, Rampur and Chini and proceeding to the border between India and Tibet near Shipki-La.
15	The highway connecting Delhi, Bareilly and Lucknow.
16	The highway connecting Lucknow, Kanpur, Jhansi and Shivpuri.
17	The highway connecting Jhansi and Lakhnadon.
18	The highway connecting Allahabad with the highway specified in serial No. 8 near Mangawan.
19	The highway starting from its junction near Barauni with the highway specified in serial No. 23 and connecting Muzaffarpur, Pipra, Gorakhpur and Lucknow.
20	The highway starting from its junction near Pipra with the highway specified in serial No. 19 and connecting Sagauli and Raxaul and proceeding to the border between India and Nepal.
21	The highway connecting Gorakhpur, Ghazipur and Banaras.
22	The highway starting from its junction near Mohania with the highway specified in serial No. 3 and connecting Patna and Bakhtiyarpur.
23	The highway starting from its junction near Barhi with the highway specified in serial No. 3 and connecting Bakhtiyarpur, Mokameh, Purnea, Dalkhola, Siliguri, Sivok, and Cooch Behar and proceeding to its junction with the highway specified in serial No. 28 near Goalpara.
24	The highway connecting Sivok and Gangtok.
25	The highway starting from its junction near Barhi with the highway specified in serial No. 3 and connecting Ranchi and Tatanagar and proceeding to its junction with the highway specified in serial No. 7 near Baharagora.
26	The highway starting from its junction near Dalkhola with the highway specified in serial No. 23 and connecting Berhampore, Barasat and Calcutta.
27	The highway connecting Barasat and Bangaon and proceeding to the border between India and Pakistan.
28	The highway starting from its junction near Goalpara with the highway specified in serial No. 23 and connecting Gauhati, Jorahat, Kamargaon, Makum and Saikhoa Ghat.
29	The highway connecting Makum, Ledo and Lekhapani.
30	The highway connecting Kamargaon, Imphal, and Palel and proceeding to the border between India and

Serial No.	Description of national highways
<hr/>	
31	The highway connecting Jorabat and Shillong and proceeding to the border between India and Pakistan near Dawki.
32	The highway starting from its junction near Sambalpur with the highway specified in serial No. 7 and proceeding <i>via</i> Angul to its junction with the highway specified in serial No. 6 near Cuttack.
33	The highway connecting Raipur and Vizianagaram and proceeding to its junction with the highway specified in serial No. 6 near Vizianagaram.
34	The highway connecting Madras, Tiruchirappalli and Dindigul.
35	The highway connecting Krishnagiri and Ranipet.
36	The highway connecting Salem, Coimbatore, Trichur, Ernakulam Trivandrum and Cape Comorin.
37	The highway starting from its junction near Trichur with the highway specified in serial No. 36 and connecting with the West Coast Road near Chalisseri.
38	The highway connecting Madurai and Dhanushkodi.
39	The highway connecting Nasik with the highway specified in serial No. 5 near Poona.

STATEMENT OF OBJECTS AND REASONS

Under an agreement entered into with the then existing Provinces, the Government of India provisionally accepted entire financial liability, with effect from the 1st April, 1947, for the construction, development and maintenance of certain highways in the Provinces which were considered suitable for inclusion in a system of national highways. Upon the creation of the Part B States and the new Part C States under the Constitution, the national highways scheme was extended to those States also.

2. Under entry 23 of the Union List, Parliament has exclusive power of legislation with respect to highways which are declared to be national highways by or under law made by Parliament. It is, therefore, proposed that the highways comprised in the Schedule annexed to this Bill should be declared to be national highways. Such a declaration would help the Central Government in exercising its powers with respect to the development and maintenance of these highways more effectively. Power is also sought to be vested in the Central Government to declare by notification other highways to be national highways. Power should also be given to the Central Government to enter into agreements with the State Governments or municipal authorities with respect to the development or maintenance of any portion of any national highway and fees may have to be levied in respect of certain types of services rendered on national highways.

3. The present Bill is designed to achieve the objects set forth above.

NEW DELHI;

LAL BAHADUR.

The 30th July, 1956.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the declaration of certain highways in States to be national highways. Under clause 4, all highways so declared will vest in the Central Government and, under clause 5, the Central Government will be responsible for their development and maintenance.

2. The highways comprised in the Schedule to the Bill, which would be declared as national highways, were provisionally approved by the Government of India as suitable for inclusion in a system of national highways and they accepted complete financial liability for their development and maintenance, after consultation with States, with effect from the 1st April, 1947, in respect of most of the highways. The expenditure so far incurred by the Government of India on these highways is covered by article 282 of the Constitution.

3. The total mileage of the highways proposed to be declared as national highways is 13,800, including missing links of a total length of about 900 miles under construction, but excluding road links within towns having a population of 20,000 or more in respect of which any liability that the Government of India may accept will be governed by an agreement entered into with the State concerned under clause 8. Strictly speaking, the financial liability that will fall on the Central Government under the proposed legislation will not be a fresh liability because they have already accepted liability for the construction and maintenance of the highways in question.

4. Up to the end of 1950-51, i.e., before the commencement of the first five-year plan, a total expenditure of Rs. 6.23 crores was incurred by the Central Government on the development of the provisional national highways. Under the first five-year plan, a further expenditure, estimated at Rs. 27.7 crores, has been incurred on the development of these highways. The second five-year plan provides for an expenditure of Rs. 55 crores for this purpose, the budget provision for the current financial year being Rs. 9 crores.

5. The budget provision for the maintenance of national highways during the current year is Rs. 4.65 crores. This provision is intended for expenditure on the normal maintenance of the existing national highways and on alternative road routes maintained for the convenience of traffic in place of missing road links in the national highway system and expenditure on flood damage repairs, etc.

6. Taking into consideration the missing links still remaining to be constructed, new bypasses in congested areas or other diversions that may be built in the national highway system, and the liability the Central Government may accept in respect of maintenance of road links to national highways within towns having a population of 20,000 or more under clause 8 of the Bill, the total average annual expenditure on the maintenance of national highways in the second five-year plan period is expected to be roughly Rs. 5 crores per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The broad features envisaged in the Bill, namely, the declaration of certain highways to be national highways, responsibility for the development and maintenance of national highways, the delegation of functions in relation to such development or maintenance to the State Governments and to subordinate officers and authorities, the levy of fees for services and benefits rendered on national highways and agreements with State Governments or municipal authorities in relation to the development or maintenance of any part of a highway situated within a municipal area are laid down in the Bill itself.

2 Sub-clause (1) of clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes contemplated in the Bill. The particular matters in relation to which such rules may be made have been enumerated in sub-clause (2) of that clause and relate *inter alia* to the manner in which and the conditions subject to which functions in relation to the development or maintenance of a national highway may be delegated to a State Government or to any subordinate officer or authority, the rates at which fees for services and benefits rendered on national highways may be levied and the periodical inspection of national highways and so on. These are matters of detail and it is unnecessary as well as cumbersome to include them in the Bill itself.

3. The delegation of legislative power is thus of the normal type.

M. N. KAUL,
Secretary.